

REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Final Office Action mailed October 21, 2009. Claims 1, 5, 12-16, 18-24 and 26-30 remain in this application. Claims 1, 16 and 24 have been amended. Claims 2, 17 and 25 have been cancelled without prejudice or disclaimer. In view of the remarks to follow, reconsideration and allowance of this application are respectfully requested.

Interview Summary

Applicants appreciate the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on Monday, December 14, 2009. During the telephonic interview, a proposed amendment to Claims 1, 16 and 24 were submitted attempting to clarify that the disc stores "higher precision parameter information" on the disc. The proposed amendments were discussed in view of the cited references, Lida and Hansel. No agreement was reached.

Rejections under 35 U.S.C. §103(a)

In the Office Action, Claims 1, 12-14, 24, 26 and 27-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 2002/0012315 ("Lida") and further in view of U.S. Patent No. 5,941,649 ("Hansel"). Applicants respectfully traverse the rejections.

Claim 1, 12-14, 24, 26 and 27-29 are allowable

Claim 2 is herewith cancelled, without prejudice, and claim 1 has been amended to incorporate the subject matter of now-cancelled claim 2. In addition, claim 1 has been further amended to more precisely and specifically claim the invention. Accordingly, it is respectfully submitted that the cited portions of Lida and Hansel, individually or in combination, fail to disclose or suggest the specific combination of claim 1, as amended herein. For example, the cited portions of Lida fail to disclose or suggest, "*wherein the record carrier comprises an area for storing higher precision track pitch parameter information, which track pitch parameter information is of a higher precision than the precision of the track pitch mentioned in the pre-defined standardized condition*", as recited

in claim 1. [Emphasis Added]. In contrast to claim 1, the cited portions of Lida teach that configuration information may be recorded in a lead-in area formed on the recording medium. See Lida, par. 23. Lida also teaches a hybrid disc having an inner portion configured as a high density area and an outer portion configured as a standard density area. See Lida, par. 149 and 150. Lida also teaches that the track pitch of the standard density area of the disc is 1.6 um, while that of the high density disc area is 1.1 um. See Lida, par. 153. However, Lida does not teach a record carrier comprising an area for storing higher precision track pitch parameter information, which track pitch parameter information is of a higher precision than the precision of the track pitch mentioned in the pre-defined standardized condition, as recited in claim 1. Applicants respectfully submit that the cited portions of Lida disclosing a disc having a low density area and a high density area where the different density areas have different track pitches is different from a record carrier comprising an area for storing higher precision track pitch parameter information, which track pitch parameter information is of a higher precision than the precision of the track pitch mentioned in the pre-defined standardized condition, as recited in claim 1. It is respectfully submitted that the configuration information disclosed in Lida does not comprise parameter information of a higher precision than mentioned in a pre-defined standard. Lida merely teaches that the track pitch of the standard density disk (area) is 1.6 um while that of the high density disk (area) is 1.1 um. See Lida, par. 153. Applicants note that the track pitch has a different value in the low and high density areas, but the same precision, i.e., one decimal place.

Further, claim 1 also recites, "*wherein the higher precision track pitch parameter information is to be used for assisting writing a visible label on the record carrier.*" In the Action, the Office cites Ito for teaching the subject matter of claim 2. Specifically, Ito is cited by the Office for teaching the formation of a character/graphic on a CD-ROM with the assistance of parameter data. See Action, page 2. However, upon a close review of Ito it is shown that Ito does not teach the use of higher precision information stored on the disc. Instead, Ito discloses that copying of a master disc may be prevented by controlling the linear velocity deviation ratio of 1×10^{-6} or below for ensuring that write signals are in perfect agreement. Even very slight deviations in the linear velocity greatly influences the extent to which the character/graphic pattern becomes unidentifiable. Ito teaches that it is technically

very difficult to control the linear velocity at such a high precision during the preparation of the master disc of the copy disc. Moreover, since the clock cycles for generating the write signals do not actually agree perfectly, the linear velocity needs to be controlled at a still higher precision when duplicating the original disc. It is submitted that utilizing parameter information to ensure that the linear velocity is below a threshold value during preparation of a master to prevent copying by forcing the linear velocity to be controlled at a still higher precision when duplicating the disc is different from storing parameter information of a higher precision on a disc than what is defined by the disc standard to assist in writing a visible label on the record carrier.

Thus, the combination of Lida, Hansel and Ito fail to disclose or suggest, “*wherein the higher precision track pitch parameter information is to be used for assisting writing a visible label on the record carrier*”, as recited in claim 1.

Furthermore, it is admitted in the Action that Lida fails to disclose that the track pitch is indicated in at least three decimals. However, Hansel was suggested to overcome this deficiency by disclosing a method of increasing the printing device to increase the decimal places of a device from the default of four or less to six or more. The Office admits at page 8 that Hansel is not relevant art, however, it is suggested that the Examiner is only improving upon the method of increasing decimal places for precision and not the apparatus disclosed. Applicants respectfully disagree. One does not need to cite a reference like Hansel to understand that by increasing the decimal places the precision is increased. This is a fundamental principle of Mathematics. Applicants respectfully submit that it is incumbent upon the Examiner to find a relevant reference in the recording arts that disclose a track pitch indicated in at least three decimal places to sustain a valid rejection. Moreover, Hansel does not retrieve a stored parameter value of a higher precision to imprint the encoder strip. In fact, Hansel does not retrieve any parameters according to the disclosed method. Instead, Hansel teaches that the deficiency is overcome by discarding the present device and using a higher resolution imaging device to reproduce encoder strips. A second proposed solution in Hansel is to round down from the corresponding infinite decimal. This teaches away from the invention.

Thus, the combination of Lida, Hansel and Ito fail to disclose or suggest, “*and that the higher precision track pitch parameter information stored on the record carrier, when expressed in micrometer, is indicated in at least three decimals*”, as recited in claim 1.

Therefore, the cited portions of the above references, alone and in combination, fail to disclose or suggest at least one element of claim 1. Hence, claim 1 is allowable.

Claims 12-14 depend from claim 1, and are therefore allowable at least by virtue of their dependence from allowable claim 1.

Independent Claim 24 recites similar subject matter as Independent Claim 1 and therefore contains the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 24 is believed to recite statutory subject matter under 35 USC 103(a).

Claims 26 and 27-29 depend from claim 24, and are therefore allowable at least by virtue of their dependence from allowable claim 24.

Claims 2 and 25 are allowable

In the Office Action, Claims 2 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lida and Hansel and further in view of U.S. Patent No. 5,608,717 (“Ito”). Claims 2 and 25 are herewith cancelled, without prejudice, and claims 1 and 24 have been amended to incorporate the subject matter of now-cancelled claims 2 and 25, respectively.

Claim 5 is allowable

In the Office Action, Claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lida and further in view of U.S. Patent Application No. 2002/010588 (“Levich”).

As explained above, the cited portions of Lida do not disclose or suggest each and every element of claim 1 from which claim 5 depends. Levich does not disclose each of the elements of claim 1 that are not disclosed by Lida. For example, Levich does not disclose or

suggest “*wherein the record carrier comprises parameter information, which parameter information is of a higher precision than the precision of the track pitch mentioned in the pre-defined standardized condition, when expressed in micrometer, is expressed in two decimals, and that the information on the track pitch stored on the record carrier, when expressed in micrometer, is indicated in at least three decimals.*” Levich merely discloses that the standard physical parameters of a track pitch to be 0.74 um.

Thus, the cited portions of Lida and Levich, individually or in combination, do not disclose or suggest each and every element of claim 1. Hence claim 1 is allowable and claim 5 is allowable, at least by virtue of its respective dependence from claim 1.

Claims 15 and 30 are allowable

In the Office Action, Claims 15 and 30 stands rejected under 35 U.S.C. §103(a) as being anticipated by Lida and further in view of U.S. Patent Application No. 2004/0052202 (“Brollier”). Applicants respectfully traverse the rejection of claim 15.

As explained above, the cited portions of Lida do not disclose or suggest each and every element of claim 1 from which claim 15 depends. Brollier does not disclose each of the elements of claim 1 that are not disclosed by Lida. For example, Brollier does not disclose or suggest “*wherein the record carrier comprises parameter information, which parameter information is of a higher precision than the precision of the track pitch mentioned in the pre-defined standardized condition, when expressed in micrometer, is expressed in two decimals, and that the information on the track pitch stored on the record carrier, when expressed in micrometer, is indicated in at least three decimals.*” Brollier merely discloses that the record carrier comprises a further area comprising an integrated circuit, the parameter information being stored in the integrated circuit.

Thus, the cited portions of Lida and Brollier, individually or in combination, do not disclose or suggest each and every element of claim 1. Hence claim 1 is allowable and claim 15 is allowable, at least by virtue of its respective dependence from claim 1.

Claims 16 and 18-22 are allowable

In the Office Action, Claims 16 and 18-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lida and Hansel and Levich.

Independent Claim 16 recites similar subject matter as Independent Claim 1 and therefore contains the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 16 is believed to recite statutory subject matter under 35 USC 103(a).

Claims 18-22 depend from claim 16 and are therefore allowable at least by virtue of their dependence from allowable claim 16.

Claim 17 is allowable

In the Office Action, Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lida, Hansel, Levich and Ito.

As explained above, the cited portions of Lida, Hansel, Levich and Ito do not disclose or suggest each and every element of claim 16 from which claim 17 depends. Hence claim 16 is allowable and claim 17 is allowable, at least by virtue of its respective dependence from claim 16.

Claim 23 is allowable

In the Office Action, Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Lida, Hansel, Levich and Brollier.

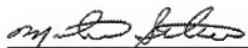
As explained above, the cited portions of Lida, Hansel and Brollier do not disclose or suggest each and every element of claim 16 from which claim 23 depends. Hence claim 16 is allowable and claim 23 is allowable, at least by virtue of its respective dependence from claim 16.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1, 5, 12-16, 18-24 and 26-30 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-945-6000.

Respectfully submitted,



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